

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 421D**, an amendment to the **Carriage Hill 4th Addition Community Unit Plan**, requested by Design Associates on behalf of Frank and Joan Rall, to retain the existing single family dwelling and to allow the construction of four two-family structures, with requests to waive sidewalk, street tree and landscape screening design standards, on property generally located at 81st Street and "A" Street.

STAFF RECOMMENDATION: Conditional approval, with denial of the waiver requests.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/14/03
Administrative Action: 05/14/03

RECOMMENDATION: Conditional Approval, with amendments (7-0: Carlson, Duvall, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Krieser and Taylor absent).

FINDINGS OF FACT:

1. This is a proposal to amend the community unit plan to retain the existing single family dwelling and allow the construction of four two-family structures, extending an existing private driveway, private sanitary sewer and public water main to serve these units. The plan does not create a lot for each new dwelling unit. The four two-family structures will be on the same lot. The proposal seeks to waive sidewalk, street tree and landscape screening designs standards.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5, concluding that the extension of the Carriage Hill community unit plan will be a use of the property that is consistent with the surrounding area. The proposed conditions of approval address the outstanding issues. The staff recommends denial of the requested waivers of the design standards (See p.4).
3. The applicant's testimony is found on p.8-9, including a request to delete Condition #1.1.1, which requires that the two-family dwellings be shown with the same setback as the existing Carriage Park dwellings. The applicant also requested that Condition #1.3 be deleted, which requires documentation that the Carriage Hill Homeowners Association is satisfied with the drainage plan (See Minutes, p.9).
4. Testimony in opposition is found on p.10, including the Carriage Hill 2nd Addition Homeowners Association. The issues include: amount of water to be diverted on the street/driveway of the Carriage Park CUP, which is being diverted into a holding pond; the adequacy of the holding pond; water runoff; and the analysis of water build-up on the association's common area from drainage of the back of the common area to the front of the property. The Homeowners Association representative agreed that Condition #1.1.1 and Condition #1.3 should be deleted. Letters submitted with regard to the drainage concerns are found on p.24-27.
5. The Planning Commission discussion with staff is found on p.10-11. The staff suggested that Condition #1.1.1 not be deleted but amended such that the two-family dwellings maintain 22 ft. between the garage door and the sidewalk (See Minutes, p.11).
6. On May 14, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, with amendments to Condition #1.1.1 and Condition #1.3 (See Minutes, p.11, Condition #1.1.1 on p. 5, and Condition #1.3 on p.6).
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied. The waiver requests were not granted by the Planning Commission and the items requested to be waived have been shown on the revised site plan. In addition, the Carriage Park Neighborhood Association opposed the grading and drainage plan. Therefore, the applicant resubmitted a revised grading and drainage plan which directs surface run-off westerly to an inlet at the west termination of the private drive. The collected stormwater will then be directed north to be collected in an area inlet located south of Hickory Lane. The stormwater will then be discharged into the existing storm sewer located in Hickory Lane. The revised grading and drainage plan has been accepted by the Public Works Department (See p.28-29).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2003\SP.421D

DATE: August 4, 2003

DATE: August 4, 2003

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 14, 2003 PLANNING COMMISSION MEETING

****As Revised by Planning Commission: 5/14/03****

P.A.S.: Special Permit 421D
Carriage Hill 4th Addition CUP

PROPOSAL: Amend the Carriage Hill CUP to retain the existing single family dwelling and allow the construction of four two-family structures, and the extension of an existing private driveway, private sanitary sewer, and public water main to serve these units.

LOCATION: Approximately South 81st and "A" Streets.

WAIVER REQUEST:

1. Waive sidewalk design standards for an alternate sidewalk location to allow existing trees to remain along "A" Street frontage.
2. Waive street tree design standards to eliminate street trees along "A" Street to allow existing trees to remain along "A" Street frontage.
3. Waive landscape screening design standards for the perimeter of this application to allow existing trees to provide the required screening.

LAND AREA: 13.59 acres, more or less.

CONCLUSION: The extension of the Carriage Hill CUP will be a use of this property that is consistent with the surrounding area. However, there are items that must yet be addressed.

<u>RECOMMENDATION:</u>	Conditional Approval
Waive sidewalk design standards:	Denial
Waive street tree design standards:	Denial
Waive landscape screening design standards:	Not Applicable

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Existing CUP: Lots 51, 55, and a portion of Lot 58, all Irregular Tracts, located in the SE 1/4 of Section 27-10-7, Lancaster County, Nebraska.

Area of Amendment: Lot 58 I.T., located in the SE 1/4 of Section 27-10-7, Lancaster County, Nebraska.

EXISTING ZONING: R-1 Residential

EXISTING LAND USE: Single-family residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family residential	R-1 Residential
South:	Single-family residential	R-1 Residential
East:	Single-family residential	R-1 Residential
West:	Single-family residential	R-1 Residential

ASSOCIATED APPLICATIONS:

Administrative Final Plat # 03033 Carriage Hill 4th Addition

HISTORY:

Jul 1995	Administrative Final Plat #94083 Schlegel First Addition approved. This platted Outlot A into Lot 1, making it a buildable lot.
Jun 1995	Special Permit #1542 approved 8 units of elderly housing on Outlot A, Schlegel Addition, which was replatted as Lot 1, Schlegel First Addition.
Oct 1994	Administrative Final Plat #94064 Schlegel Addition approved. This platted Lot 49 I.T. into Lot 1 and Outlot A.
May 1990	Special Permit #421C approved to allow for the extension of a deck 2' into the required side and rear yards on Lot 6, Block 4, Carriage Hill 2 nd Addition.
Oct 1983	Final Plat #833031 Carriage Hill 3 rd Addition approved for 12 multiple family units on one lot.
Jul 1983	Special Permit #421B Carriage Hill 3 rd Addition Preliminary Plat and CUP approved for 12 multiple family units on one lot.
Aug 1979	Final Plat #79202 Carriage Hill 2 nd Addition approved for 39 lots on 6 blocks and 9 outlots.
May 1979	Prior to the zoning update, this property was zoned A-1 Single Family Dwelling. The update changed the designation to R-1 Residential.
Feb 1979	Special Permit #421A Carriage Hill 2 nd Addition Preliminary Plat and CUP approved for 48 lots on 5 blocks and 7 outlots
Nov 1968	Special Permit #421 Carriage Hill CUP approved. This CUP included the remaining portions of Lots 21 and 22, Irregular Tract, Lots 2,3,4,5, and 6, Block 1, Lots 1, 2, and 5, Block 2, and Lots 4, 5, and 6, Block 3, Carriage Hill Addition.
Oct 1968	Final Plat Carriage Hill 1 st Addition approved for 45 lots on 3 blocks.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows this property as Urban Residential. (F 25)

"Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods...(F 17)

UTILITIES:

Public water and private sanitary sewer are available and are proposed for extension into this site. Storm sewer is available on the neighboring property to the east. Drainage is proposed to flow along the driveway to the east to existing detention ponds instead of to the north.

TRAFFIC ANALYSIS:

"A" Street is classified by the 2025 Comprehensive Plan as a Minor Arterial both now and in the future. (E49, F103)

This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augment principal arterials, distribute traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

ANALYSIS:

1. This is a proposal to amend the Carriage Hill CUP to retain the existing single family dwelling and allow the construction of four two-family structures, and the extension of an existing private driveway, private sanitary sewer, and public water main to serve these units. The plan does not create a lot for each new dwelling unit. The four two family structures will be on the same lot.
2. This proposal includes three waiver requests. They are:
 - 2.1 Waive sidewalk design standards for an alternate sidewalk location to allow existing trees to remain along "A" Street frontage. The Parks and Recreation and Public Works & Utilities Departments recommend denial of this request because the existing evergreen trees are not appropriate for public right-of-way. The existing trees also pose a safety hazard. Whether the sidewalk is placed in its standard or an alternate location, the density of the trees will block pedestrians or other hazards from view.
 - 2.2 Waive street tree design standards to eliminate street trees along A Street to allow existing trees to remain along "A" Street frontage. The Parks and Recreation and Public Works & Utilities Departments recommend denial of this request because the existing evergreen trees are not appropriate for public right-of-way. All evergreen trees are specifically prohibited by the Design Standards from being street trees.
 - 2.3 Waive landscape screening design standards for the perimeter of this application to allow existing trees to provide the required screening. The Planning Department suggests this waiver is unnecessary and recommends denial. The Design Standards permit the owner to retain existing landscaping provided the plans demonstrate the minimum design standards will be met. Applicant has not requested to modify any of the design standards.

3. This site currently includes one single-family residence and several accessory buildings. The proposed plan will retain the existing house at its current location, and relocate some buildings next to the residence. Other buildings will be removed.
4. Comments are attached from the Public Works & Utilities, Parks and Recreation, and Lincoln-Lancaster County Health Departments.
5. The Lincoln Electric System will require additional easements, which can be viewed at the Planning Department.
6. Comments have not been received from the Fire and Building and Safety Departments, the School District, Emergency Communications, or the Post Office.
7. The Planning Department is in receipt of a letter from the Carriage Hill Homeowners Association concerned with the potential for increased storm water runoff to intensify existing problems within their development. A copy of this letter is attached. Applicant's submittal letter does indicate modifications to the existing storm sewer have been proposed to accommodate the increased run-off from this property. However, no modifications are shown or described on the submitted plans.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 The proposed two family dwellings ~~with the same~~ maintain 22' between the garage door and the sidewalk setback as the existing Carriage park dwellings.
(Per Planning Commission: 5/14/03**)**
 - 1.1.2 The required 30' easement for the proposed 6" public water main.
 - 1.1.3 The existing fence shown on the plans to remain in the right-of-way needs to be removed or relocated outside of the public right-of-way.
 - 1.1.4 The right-of-way graded to match City of Lincoln standards and the sidewalk located the standard distance from the right-of-way line.
 - 1.1.5 A note stating that any future subdivision of Lot 1 will require the owner to relinquish access to "A" Street and take access via the proposed private drive.
 - 1.1.6 The additional easements required by Lincoln Electric System.
 - 1.1.7 Revised density calculations indicating the density from this site as well as from the original CUP.

- 1.1.8 Revised legal description using lots and blocks rather than irregular tract numbers.
- 1.1.9 Rename Carriage Park CUP with proper legal name.
- 1.2 Revise the grading plan to the satisfaction of Public Works & Utilities that:
 - 1.2.1 Addresses the need for an overflow route from the private drive in the existing development to the detention pond to the east.
 - 1.2.2 Shows the minimum opening elevations adjacent to the flow path meet minimum design standards.
 - 1.2.3 Shows the units to the north side of the proposed private drive will drain to the drive.
 - 1.2.4 Shows and clearly describes the proposed changes to the storm system.
- 1.3 Submit documentation that demonstrates ~~the Carriage Hill Homeowner's Association is satisfied to the City that this development will not intensify or further increase the~~ any existing drainage problems they currently experience being experienced by the Carriage Hill Homeowners Association. (**Per Planning Commission: 5/14/03**)
- 1.4 Submit a landscape plan that demonstrates that minimum design standards for landscape screens will be met with existing vegetation.
- 1.5 Submit evidence satisfactory to the Lincoln-Lancaster County Health Department that the existing unused water well has been properly abandoned by a certified well driller or has been reconstructed to meet minimum standards for a water well.
- 2. This approval permits the extension of the Carriage Hill CUP to allow an additional single family structure, four two-family structures, and the extension of an existing private driveway, private sanitary sewer, and public water main to serve these units.

General:

- 3. Before receiving building permits:
 - 3.1 The Applicant shall have submitted a revised and reproducible final plan and 5 copies.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats that conform to LMC § 26.11.015 shall be approved administratively by the Planning Director, otherwise Final Plats shall be approved by the City.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Greg Czaplewski
Planner

Date: April 30, 2003

****As Revised by Planning Commission: 5/14/03****

APPLICANT: Frank and Joan Rall
8110 A Street
Lincoln, NE 68510
488.3374

OWNER: Same as Applicant

CONTACT: Design Associates
J.D. Burt
1609 N Street
Lincoln, NE 68508
474.3000

SPECIAL PERMIT NO. 421D TO AMEND THE CARRIAGE HILL 4TH ADDITION

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 14, 2003

Members present: Bills-Strand, Steward, Carlson, Duvall, Larson, Taylor and Schwinn; Krieser absent; Newman resigned.

Staff recommendation: Conditional approval.

Ex parte communications: Bills-Strand reported that she received one phone call from a resident and she encouraged the individual to come to the public hearing.

Greg Czaplewski of Planning staff submitted a letter from the Carriage Park Homeowners Association with concerns about the use of their privately owned street and sanitary sewer.

Proponents

1. J.D. Burt of Design Associates, 1609 N Street, presented the application on behalf of **Frank and Joann Rall**. Burt stated that this proposal probably represents the last infill project in this particular portion of the community. The property is about 2 acres, being located on the north side of "A" Street, and this proposal includes construction of 4 townhouse type structures, each with individual ownership, very similar with the Carriage Park development to the east.

Burt advised the Commission that prior to submittal and final design, the applicant contacted the Carriage Park Neighborhood Association to the east, and had good discussion with one of the members and owners that lives adjacent to the property and is most affected by this development. Burt acknowledged that acquiring access across private property and ultimate development would require negotiated terms of agreement to join the association and participate in maintenance of the street, sanitary sewer, etc. Burt suggested that this project, like any other project, contains two typical characteristics – drainage and trees. This site is not unusual to those conditions. The applicant has done a lot of design in an effort to save some trees. Saving trees prompted the request for waiver of street trees and alternate location of sidewalks; however, Burt withdrew the request to waive sidewalks and street trees.

With regard to drainage, Burt noted that back when the Carriage Park Association was going through the approval process, drainage was a major concern and as part of that development there were two detention cells constructed within its boundaries on the east. That drainage area has 33 acres and the design has been done to accommodate the 100-yr. event. This proposal utilizes the remaining capacity in that detention cell with some of the surface drainage. The applicant has met with Carriage Hill and explained the drainage configuration. It is this developer's desire to minimize runoff to the north; to maximize the flow to the east; and to utilize the detention cells to everyone's benefit. This developer also proposes to do some reconstruction of storm sewer located in Carriage Park to the east to eliminate drainage problems that currently exist.

Burt then requested that Condition #1.1.1 be deleted to allow the building setback from the north property line to be a little larger than Carriage Park to the east. This will allow the buildings to be further away from the neighbors to the north.

Burt also requested that Condition #1.3 be deleted. This condition requires approval of the drainage situation by the homeowners association to north. Burt suggested that the city already has a review process in place for compliance with drainage design standards. The developer would be very happy to provide the information and will comply with storm sewer requirements.

Steward commented that it appears that the development would be very tight on sidewalk bypassing parked cars in the driveway if the setback at the rear is increased and all other dimensions remain the same. Burt stated that he has not calculated it, but he recalls a 28' wide driving surface. He pointed out that in similar situations with private roadway design standards, they could reduce that down to 20'. He believes it is an appropriate distance having a minimal number of units. This attempts to minimize disruption and loss of trees.

Schwinn noted that the zoning is R-1, and this basically piggybacks onto the existing CUP. Burt explained that there are two special permits in this area: Carriage Hill to the north and Carriage Park to the east. This application amends the property to the north, Carriage Hill, but the owners would be part of the Carriage Park Association.

Schwinn referred to the flag lot with access onto Hickory. Burt stated that it is loaded with trees and vegetation. When they first met with the neighbors to the east, they were concerned about the cost of maintenance and liability, and the other issue was trees. Some of the neighbors had raised concern that they would like the trees on the east removed, and others have suggested that all the trees be saved. Other development options would require removal of those trees.

Taylor inquired further about the concerns of the Carriage Park homeowners, i.e. storm water drainage. Burt is requesting deletion of Condition #1.3 because he believes it is the city's responsibility and obligation to review, document and accept that the storm water is taken care of, not the responsibility of the homeowners association. Burt confirmed that when the developer met with the Carriage Hill homeowners to the north, the developer's comment was that he did not want to make it worse than it is today, and hopefully this development will make it better. This development takes one acre of surface drainage that is now going down through their back yards and relocating it to a detention cell.

Bills-Strand believes that this developer has to be able to reach agreement to use the Carriage Hill private roads and become a part of their association. Burt understands that they have to have an agreement with the neighbors to the east.

Carlson clarified that Carriage "Park" is to the east, and it is Carriage "Hill" to the north that is worried about storm water. Burt stated that the developer understands that he needs to work with both associations. It is this developer's desire that the drainage be better for them. and they need to talk with the folks to the east regarding access and sanitary sewer. If they are not successful in reaching agreement, the developer would like to be able to administratively amend the plan to provide an alternate access in order to proceed.

Opposition

1. Donald Dischner, 8140 Hickory Lane, member of the Board of Directors of **Carriage Hill 2nd Addition Homeowners Assn.**, referred to the conditions of approval, and indicated that the association also recommends the removal of Condition #1.1.1 so that the setbacks be provided as shown on the submittal. It will provide greater space between their association units which should also help water runoff. Both associations would have the benefit of not having to remove mature trees.

Dischner also agreed that Condition #1.3 should be deleted. The members do not feel they have the expertise to determine the accuracy of the developer's drainage proposal, and the association does not have adequate funds to engage the services of an engineer. He agrees that the city has competent staff to make that determination. Staff needs to address the: 1) amount of water to be diverted on the street/driveway of Carriage Park CUP, which is being diverted into a holding pond; 2) adequacy of the holding pond; 3) the amount of water being diverted; 4) runoff; and 5) analyze water buildup on their association's common area from the drainage of the back of the common area to the front of the property. The pond has been taking the water adequately, however, the water does form a stream on the common area from the back of the property to the front of Hickory Lane. Their concern is the water coming on the common area. If this development is approved, he suggested that the sidewalk on the south side of Hickory Lane be continued between the two existing properties.

2. Clifford Bomberger, 8101 Hickory Lane, referred to the map and showed his property. His concern is water runoff. When it rains, there is a four to five foot wide stream and he is fearful this will increase with further development. He would like assurance from the developer that they will take care of this if it becomes a problem.

Staff questions

Carlson asked whether any of the conditions of approval address the small sidewalk out on Hickory Lane. Czaplewski advised that there is an administrative final plat in process and the sidewalks would need to be installed as part of that process.

Carlson inquired as to the city's process regarding the storm water issue. Czaplewski suggested that the staff would agree to amending Condition #1.3 (rather than deleting it), such that the developer submit documentation that demonstrates to the City (rather than the homeowners association) and the city is satisfied that there would not be any intensification of drainage problems.

Steward suggested that technically, the requirements of Condition #1.2, together with amended Condition #1.3, should resolve the property owners concerns regarding drainage. Czaplewski concurred.

Schwinn asked whether Public Works is familiar with this drainage area. Dennis Bartels of Public Works responded in the affirmative, stating that the city participated in building that detention pond. Schwinn commented that lots of times neighbors perceive they have water problems when there are well-engineered water conditions. Do we have well-engineered water conditions here? Bartels stated that the detention pond was added to solve a problem. Some of the houses were built lower than they should have been. Public Works had to retrofit a solution. The detention pond was built and oversized to match the outlet that we had. Bartels believes it is a workable situation. They are experiencing some bad pressure from the pond. He believes the situation will either be improved or not any worse than it is now after the proposed development.

Carlson inquired about the request to delete Condition #1.1.1. Czaplewski stated that staff would not object to deleting the condition, as long as they can maintain 22' between the garage door and the sidewalk with these units.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 14, 2003

Bills-Strand moved to approve, with conditions, with amendment to Condition #1.1.1 to require 22' between the garage door and the sidewalk, and to amend Condition #1.3, that the developer demonstrate to the city that the development will not intensify or further increase drainage problems, seconded by Larson.

Schwinn commented that he did a rough calculation and they have over two acres and the ability to do a lot of things. Working with the neighbors in this way is the best option for the whole neighborhood.

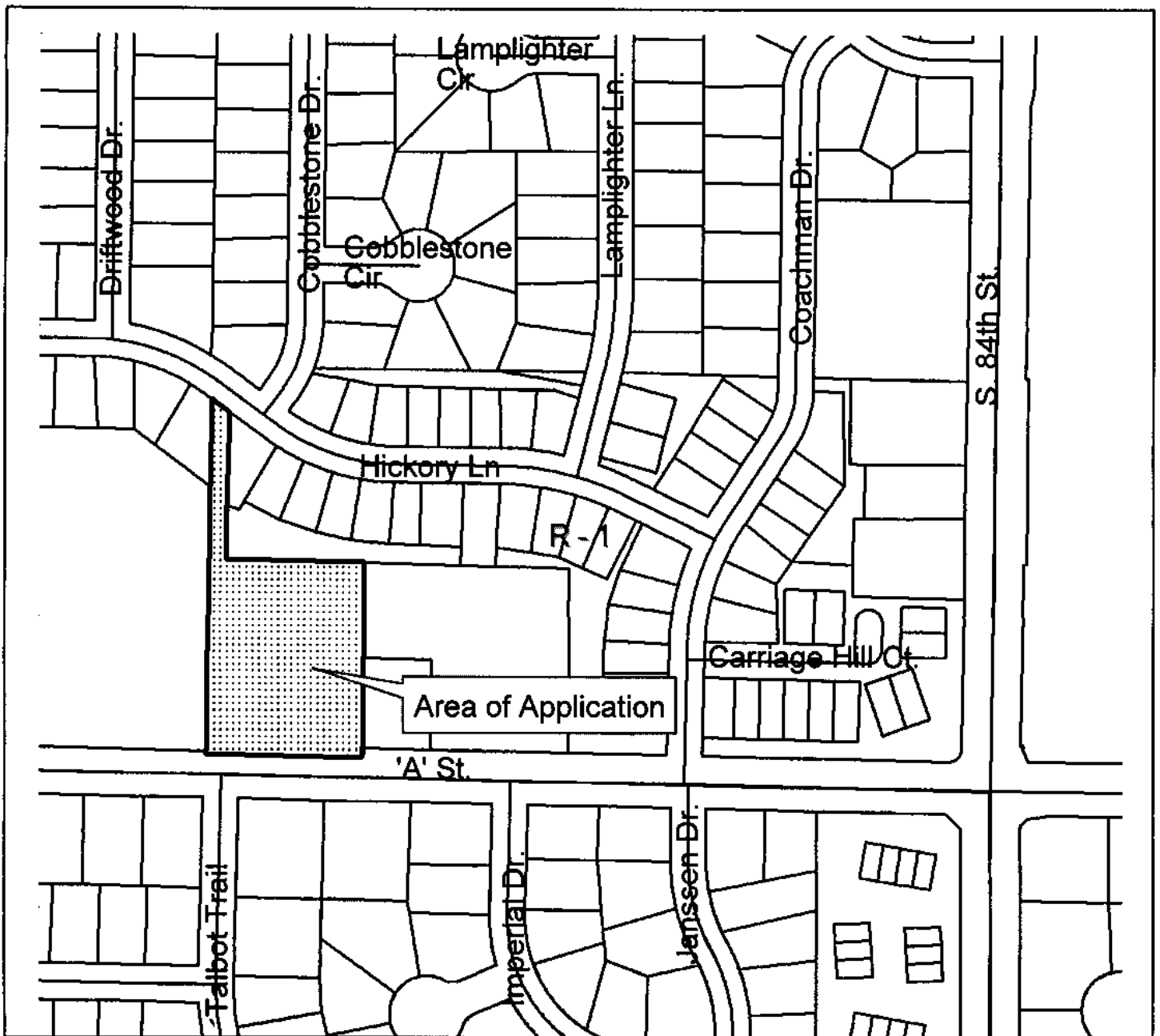
Motion for conditional approval, with amendments, carried 7-0: Bills-Strand, Steward, Carlson, Duvall, Larson, Taylor and Schwinn voting 'yes'; Krieser absent; Newman resigned.



Special Permit #421D
S. 81st & 'A' St.
Carriage Hill 4th Add.



Lincoln City - Lancaster County Planning Dept.
 2002 aerial

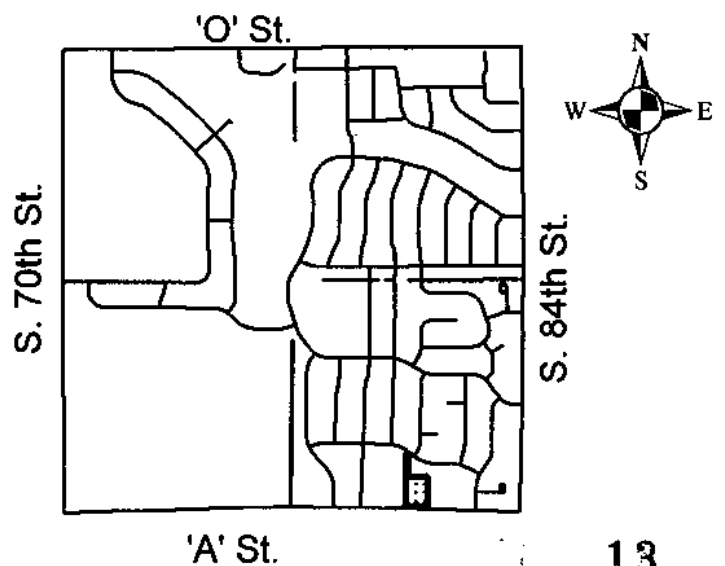
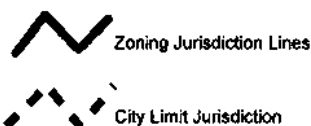


Special Permit #421D
S. 81st & 'A' St.
Carriage Hill 4th Add.

Zoning:

One Square Mile
 Sec. 27 T10N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



SOUTH 84TH STREET

LIMITS OF CARRIAGE HILL
SPECIAL PERMIT #421A

S.E. CORNER
SEC. 27-10-7

CONNECT TO EXISTING PRIVATE SANITARY
CLEANOUT, REPAIR PATIO AS REQUIRED

NEW 6" PRIVATE
SANITARY SEWER

EXISTING CHAIN
LINK FENCE TO BE
REMOVED

S 89°27'19" E 229.92'

EXISTING GARAGE BUILDING
TO BE RELOCATED

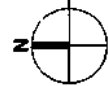
2-FAMILY

2-FAMILY

2-FAMILY

OVERALL SITE PLAN

SCALE: 1" = 100'



"A" STREET

CARRIAGE HILL CUP.
(PRIVATE)

CARRIAGE HILL CUP.
(PRIVATE)

COACHMAN'S DRIVE

HICKORY LANE

LAMPLIGHTER LANE

COBBLESTONE DRIVE

S 00°02'49" E 336.60'

S 89°27'19" E 229.92'

S 00°01'45" E 247.33'

N 89°32'14" W 262.83'

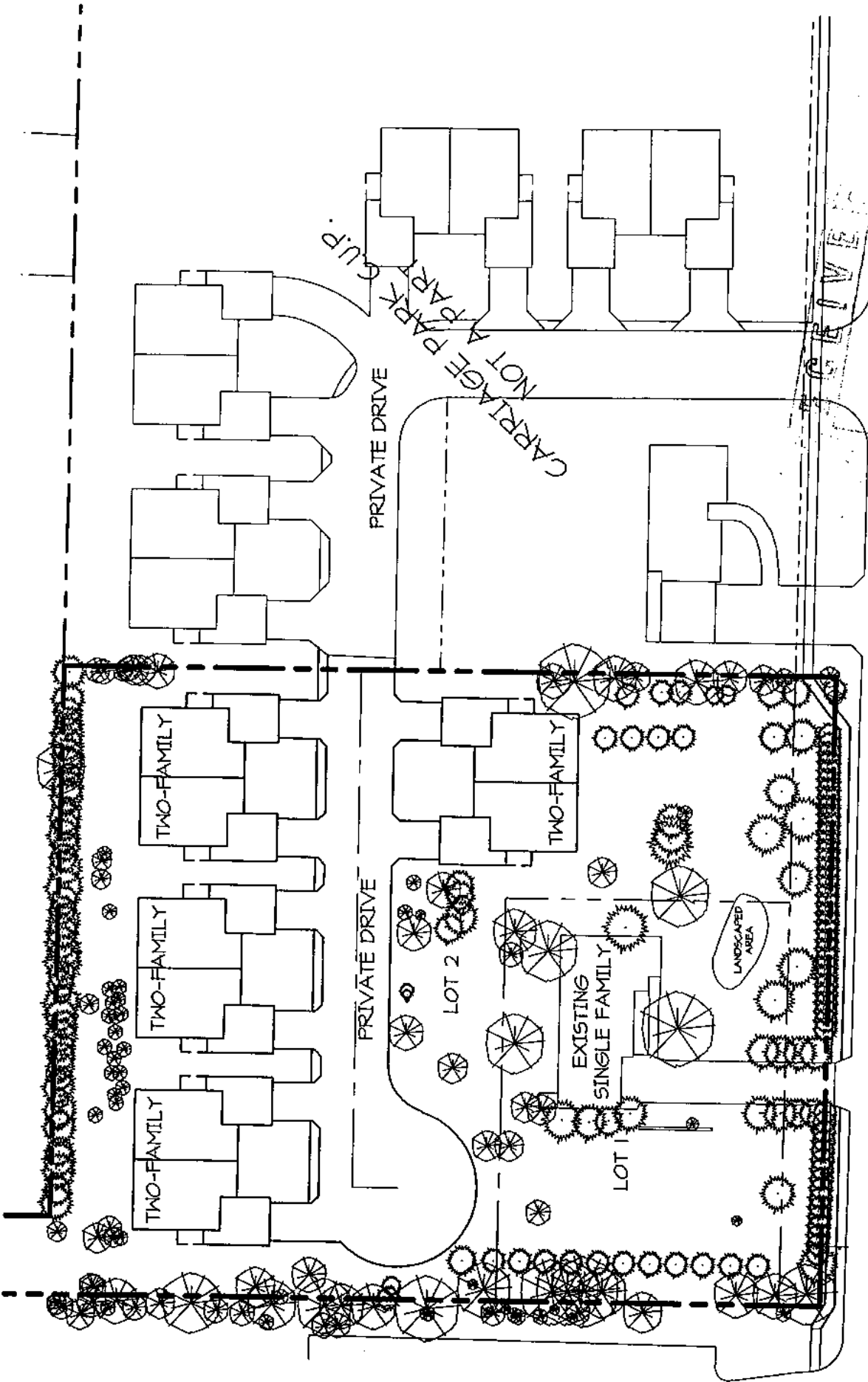
MANOR
ION
HILL
HILL

LI B16
1ST

LI B15
1ST

14

468.98'



MAY 5 2003

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

"A" STREET

PERSHING SQUARE
1608 "N" STREET
LINCOLN NEBRASKA 68508
voice: 402/474-3000
fax: 402/474-4045
desassoc@nebraska.com

DESIGN ASSOCIATES OF LINCOLN, INC

PROPOSED SITE PLAN
SCALE: 1" = 60'

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

April 10, 2003

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Amendment to Special Permit #421- Carriage Hill Community Unit Plan
Lot 58 I.T., Section 27, T10N, R7E, Lincoln, Lancaster County.

Mr. Krout:

On behalf of Frank and Joan Rall, owners of the referenced property, please accept this correspondence as supplemental information to the attached Special Permit and Administrative Final Plat zoning applications. The Special Permit application requests an amendment to the existing Carriage Hill Community Unit Plan to allow construction of eight (8) additional dwelling units on property located north of "A" Street at Talbot Trail. The proposed density is consistent with the existing R-1 zoning.

The development plan for the 2.16-Acre site includes relocation of an existing garage, removal of one garage and construction of four (4) two-family structures. The site is designed with the three (3) two-family buildings along the north side of the common driveway with the remaining two-family building located along the south side of the driveway. The layout is intended to provide a 'continuation' of the adjacent Carriage Park Community Unit Plan located immediately to the east. Each unit will be available for individual ownership.

The development proposes extension of the existing private driveway and sanitary sewer and extension of the existing public water main to serve the eight (8) new dwelling units. The applicant has discussed inclusion of the Rall property into the existing Carriage Park Homeowners Association. Representatives of the homeowners have indicated their support subject to the sharing of common utility and maintenance costs and other Association responsibilities.

It is our understanding that drainage issues may be of concern to the adjacent properties to the north. The proposed grading plan has been designed to reduce the surface drainage exiting the Rall property to the north by diverting run-off easterly along the east/west driveway. Modifications to the existing storm sewer are proposed in the Carriage Park development to accommodate the increased run-off from the Rall property. This concept has been discussed with representatives of the Carriage Park Association and was found to be generally acceptable.

APR 14 2003

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Consideration has also been given to the existing trees. The plan has been designed to minimize the loss of trees on the site. Tree removal is limited to trees within building envelopes, along the east/west driveway and areas necessary to obtain desired drainage. Based upon the owner's desire to retain existing trees, the following waivers are requested:

- Waiver of design standards for an alternate sidewalk location to allow existing trees to remain along the "A" Street frontage;
- Waiver of design standards to eliminate street trees along the "A" Street frontage to allow existing trees to remain along the "A" Street frontage; and
- Waiver of screening requirements along the perimeter of this application to allow existing trees to be retained in lieu of required screening.

Thank you in advance for your favorable consideration. Please advise if additional information is desired.

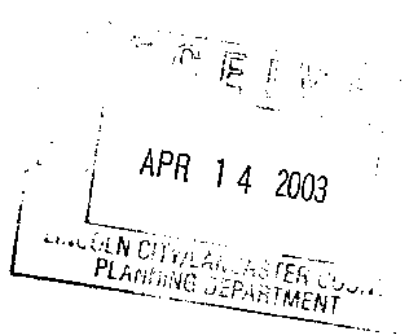
Best regards,



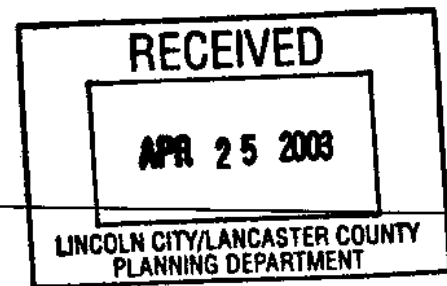
J.D. Burt
For the firm

Attachments: Amendment to Carriage Hill Community Unit Plan

cc w/ attachments: Frank and Joan Rall



Memorandum



To:	Greg Czaplewski, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Carriage Hill 4th Addition Special Permit
Date:	4/23/03
cc:	Randy Hoskins Devin Biesecker

Engineering Services has reviewed the special permit for Carriage Hill 4th Addition, located at approximately South 81st Street and A Street, and has the following comments:

- Show the required 30' easement for the proposed 6" public water main.
- The existing fence shown on the plans to remain in the right of way needs to be removed or relocated outside of the public right of way.
- The existing trees along A Street are not appropriate for the public right of way. Public Works recommends that the right of way be graded to match City of Lincoln Standards and the sidewalk to be located the standard distance from the right of way line.
- The low point in the private drive in the existing development to the east of this project appears to have no safe overflow route to the detention pond located further to the east. It appears that the garage openings to the adjacent dwellings are very close, if not equal to the elevation of the flow path. Adding the additional drainage from the proposed development will compound this potential problem.
- The letter states that the site will be graded to drain to the east along the private driveway and that modifications are proposed to the existing storm system in the development to the east. The grading plan needs to be revised to show that the units on the north side of the proposed private drive will drain to the drive. Also, the proposed changes to the storm system need to be shown and/or clearly described.
- A note needs to be added stating that any future subdivision of Lot 1 will require the owner to relinquish access to A Street and take access via the proposed private drive.

I:\FILES\sieceb\wp\Pre-Plat-Memos\Carriagehill-memo.wpd

Memo



To: Greg Czaplewski, Planning Department

From: Mark Canney, Parks & Recreation

Date: May 2, 2003

Re: Carriage Hill 4th Addition SP 4216 AFP 03033

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

Field inspection done and the following noted:

1. Existing cedars on 'A' Street are as shown on plan submitted. Our office defers to the recommendation of Public Works, which recommends the existing trees are not appropriate for public row, the row should be graded, and the sidewalk placed at its standard location.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Greg Czaplewski

DATE: April 23, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith, REHS

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director

SUBJECT: Carriage Hill 4th
Addition

EH File
EH Administration

SP #421 D AFP #03033

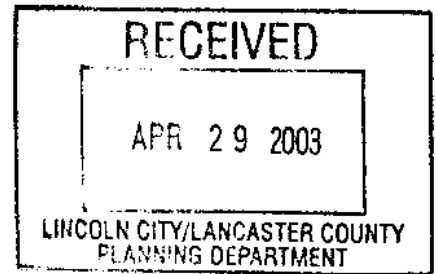
The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for special permit and administrative final plat and conducted an onsite inspection. The following items are noted:

- Sewage disposal will be the City of Lincoln sanitary sewer.
- Water supply will be the Lincoln Water System.
- An unused water well exists on the property. This well must be properly abandoned by a certified well driller or it must be reconstructed to meet minimum standards for a water well. If the well is reconstructed, a bi-annual well permit must be obtained from LLCHD.
- Prior to demolition or renovation of any existing commercial structure, an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be

incorporated as necessary.

- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

April 28, 2003



Roger Figard
City Engineer
Public Works Department
531 Westgate Blvd., Suite 100
Lincoln, NE 68528

Dear Roger:

This letter is in regards to a proposed townhouse development at 81st & "A" Streets, owner being Frank & Joan Rall and architect is J.D. Burt of Design Associates.

I am writing this letter on behalf of the Carriage Hill Homeowners Association, which is comprised of 49 families living along Hickory Lane, Coachman's Lane, and Carriage Hill Court.

As you may recall, several years ago, another townhouse development was constructed just east and adjacent to this location, and was built by Jerry Joyce. Because of the open stream, the development was modified and the number of proposed townhouses was reduced, and two holding ponds were constructed to slow down the storm water runoff which flows north into an open grate located in our commons area, which then connects to the storm sewer in Hickory Lane.

The new proposal is designed such that storm water which currently is absorbed into the existing ground, will be flowing from the new street and roof tops into the second of the two holding ponds.

Our Board of Directors feels that this additional runoff will exceed the capacity of the holding pond during certain, heavy rains. This will then cause unnecessary flooding onto the surface of our lawn and commons areas.

We expressed our concern at an open house on April 15, 2003, which the architect hosted, but he assured us that the proper engineering design concerns had been evaluated and there would not be any flooding or problem with the extra storm water. However, he said that he would not put this in writing.

It should be noted that to handle the additional runoff on their property, the currently existing drainage opening on the neighboring Association land will be made larger by the new developer so as to capture the additional runoff from this newly developed area. It would seem logical to us that if the existing drain to the holding pond needs to be increased in size in the neighboring development, that some increase in the size of the storm sewer opening on our property and the 36 inch pipe under our property would need

to be increased in size to handle this additional runoff. In fact, even now with heavy rains, there is still pooling of water out in the open area of our Association lawn before it can drain into the existing pipe going into Hickory Lane.

The Carriage Hill Homeowners Association is hereby going on record as to having grave concerns about this project and we want to prevent a potential problem from happening.

We would appreciate your (the City's) opinion on this runoff issue since Mr. Burt had indicated "engineers" had reviewed and approved the current pond and sewer size on our property as being adequate.

We, therefore, urge you to please review this proposed development.

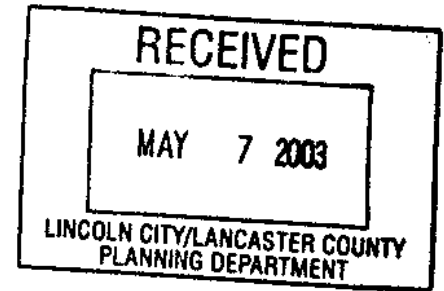
Sincerely,

A handwritten signature in cursive script, appearing to read "Les Tyrrell".

Les Tyrrell, President
Carriage Hill Homeowners Association
8320 Carriage Hill Court
Lincoln, NE 68510

Copies to: Ray Hill, City Planning Department
Mayor Don Wesely
Jon Camp, City Council
Jonathan Cook, City Council
Glenn Friendt, City Council
Anette McCroy, City Council
Coleen Seng, City Council
Ken Svoboda, City Council
Terry Warner, City Council

JOSEPHINE R. STEWART
8109 Hickory Lane
Lincoln, NE 68510



May 6, 2003

Lincoln-Lancaster County Planning Department
555 So. 10th St., Suite 213
Lincoln, NE 68508

Attn: Jean Walker, Administrative Officer

Re: Special Permit No. 421D
S. 81st Street and A Street

Dear Ms. Walker:

Thank you for your letter of May 2 regarding this application by Mr. and Mrs. Rall.

My principal concern about their proposal is the disposition of rain water during a storm. My home is north of the northeast corner of the Ralls' property. My husband and I have lived in it since 1984. Between their property and mine is a tract belonging to our homeowners association. It is graded to carry rainwater east to an underground storm sewer, but each year we have 3 or 4 (sometimes more than that) rainstorms that send a 5-foot-wide river of water from the area south of us down to Hickory Lane between my home and the home next door to us. I am concerned about what will happen when the paved streets and driveways of this proposed new development, and from the roofs of its 8 new dwelling units, send additional water onto our association's property and from it onto mine.

There is a strip of unimproved land running north to Hickory Lane from where these new units are to be built. Presumably the developers could construct an underground storm drain on it to serve their new development, but I see nothing in the material sent to me that indicates they propose to do so.

This is a matter of serious concern to the owners of homes adjoining the proposed development.

Very truly yours,

8109 Hickory Lane
Lot 3, Block 2, Carriage Hill 2nd Addn.
Tel. 489-2323

cc: J.D. Burt
Dennis Bartels

May 6, 2003

Ray Hill
City-County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Ray:

You have already received a letter of concern from the Carriage Hill Homeowners Association regarding the Special Permit No. 421D by J.D. Burt of Design Associates and his client Frank & Joan Rall. It was copied to you and addressed primarily to Roger Figard of Public Works Department, dated April 28, 2003.

That particular letter of concern involves the probable storm water problem and excessive flows onto our Association commons ground.

In addition, our Association is concerned and hereby requests that the Ralls construct and install an approximate 30 foot section of public sidewalk along Hickory Lane just west of 8101 Hickory Lane. The Ralls own this narrow parcel of land which extends from Hickory Lane, south to "A" Street and is part of the entire parcel involved with Special Permit No. 421D.

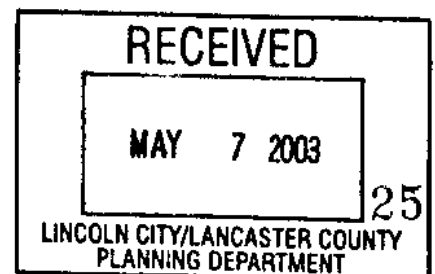
While the proposed new housing and street project does not directly extend into this narrow parcel of land, it is, however, part of the entire project and our Association would like to see the sidewalk installed from a safety and public convenience point of view.

It would make the final connection and complete the gap between existing sidewalks. We hereby request that the Lincoln-Lancaster Planning Commission and City Council direct the owner and/or developer to install the sidewalk. Thank you.

Sincerely,



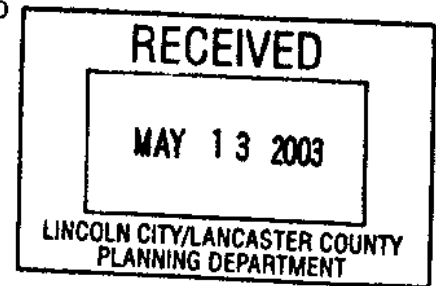
Dave Wolvin
Secretary-Treasurer, Board Member
Carriage Hill Homeowners Association
8201 Hickory Lane
Lincoln, NE 68510



ITEM NO. 3.1: SPECIAL PERMIT NO. 421D
(p.31 -Public Hearing - 5/14/03)
cc: J.D. Burt
Dennis Bartels

Carriage Park Homeowners Association

8208 A Street
Lincoln Ne. 68510
402/488-0888



TO: Greg Czaplewski
Lincoln City/Lancaster County Planning

DATE: May 10, 2003

RE: Amendment to Special Permit #421-Carraige Hill Community Unit Plan
Lot 58 I.T., Section 27, T10N, R7E, Lincoln Lancaster County

Mr. Czaplewski


I am writing to clarify the position of the Carriage Park Homeowners Association with respect to the referenced Special Permit #421 for the construction of eight new dwelling units on the Rall property. While we have discussed in generalities the plans for the use of our privately owned street and privately owned sanitary sewer with J. D. Burt of Design Associates, no agreement has been reached and I believe the odds of reaching such an agreement are in the 50/50 range. We are also very concerned about water run off down our street and into our retention pond. We will require signed written contracts and personal guarantees from the Ralls and the developer for at least five years covering any run off problems and their liability to fix such problems to our satisfaction. We will also require signed written contracts and personal guarantees covering the use of our sanitary sewer line. A regular maintenance fee in connection with the use of our private street and our sanitary sewer line will also be required. There will be fees in connection with the need to dig up Carriage Park Homeowner property to connect to our sanitary sewer line.

In addition, we have concerns about the considerable grading that will be necessary to permit draining water and sanitary sewage to the East. It is also our understanding that all trees along the East lot line from the South side of our private street to the North lot line will be taken out. These trees for the most part are severely damaged, diseased or dead and have many large branches broken off. We have had a lot of problems with large falling or broken branches in recent years.

With regard to the eight dwelling units joining our Homeowners Association, there would be a need for a considerable amount of negotiation to work out the details. Unlike most homeowners associations, we have a single policy for our Homeowners Association which covers fire and casualty on all of our dwellings. We also have our own well for lawn watering only. It is unclear if our watering system could be used for the eight additional dwelling units. In addition, our Association has a sizeable reserve built up which could necessitate a large buy-in for the new dwelling units.

In summary, we have many concerns but are willing to negotiate with the Ralls and the developer of the property. We do expect certain concessions and guarantees before any agreement can be reached.

For the Carriage Park Homeowners Association
Myron Wilder, Treasurer

A handwritten signature in black ink, appearing to read "Myron Wilder", written in a cursive style.

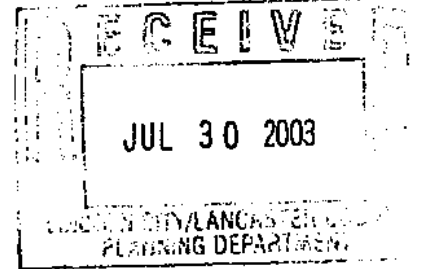
cc. J.D. Burt

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

July 30, 2003

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: REVISED GRADING AND DRAINAGE PLAN
Amendment to Special Permit #421- Carriage Hill Community Unit Plan
Lot 58 I.T., Section 27, T10N, R7E, Lincoln, Lancaster County.

Mr. Krout:

We have been advised that your office is in receipt of correspondence from the Carriage Park Neighborhood Association regarding their opposition to the grading and drainage proposed with the amendment to Carriage Hill Community Unit Plan. As a result of our neighbor's reluctance to accept storm water run-off from the proposed amendment, the attached plans include revisions that now direct surface run-off westerly to an inlet at the west termination of the private drive. The collected storm water will then be directed north to be collected in an area inlet located south of Hickory Lane. The storm water will then be discharged into the existing storm sewer located in Hickory Lane.

Please advise if additional information is necessary to schedule this application on the City Council's Agenda.

Sincerely,

J.D. Burt
For the firm

Attachments: Revised grading and drainage plan

cc w/ attachments:

Frank and Joan Rall, 8110 "A" Street, Lincoln, NE 68510
Chuck Schmidt Construction, 400 West Branched Oak Road, Davey, NE 68336
Carriage Hill Homeowners Association, c/o Dave Wolvin, 8201 Hickory Lane, Lincoln, NE 68510
Carriage Park Homeowners Association, c/o Myron Wilde, 8208 "A" Street, Lincoln, NE 68510



Chad E Blahak

07/30/2003 03:18 PM

To: Gregory S Czaplewski/Notes@Notes
cc: Thomas J Cajka/Notes@Notes
Subject: Carriage Hill 4th Special Permit

Greg,

I have reviewed the resubmitted plans for Carriage Hill 4th Special Permit and the plans are satisfactory. The Permit can be scheduled for City Council as soon as possible.

Thanks,

Chad

Chad Blahak, P.E.
City of Lincoln
Public Works/Utilities Department
Engineering Services
(402) 441-5660